for The Defense

Training Newsletter of the Maricopa County Public Defender's Office
James J. Haas, Maricopa County Public Defender

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Delivering America's Promise of Justice for All

for The Defense

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Salazar-Mercado: A Short-Term Loss, Long-Term Win

By: Mikel Steinfeld and Amy Kalman

In many cases involving an allegation of child abuse, and in the majority of cases involving an allegation of child sexual abuse, the State will notice an "expert" in the field of "child abuse victim characteristics" or similar wording. The expert will claim not to be familiar with any factual aspect of the case, and will be offered as a "blind" or "cold" expert. This expert, usually Wendy Dutton of ChildHelp and St. Joseph's Hospital, will then testify at trial and attempt to fill in any hole in the State's case. The State will ask questions designed to elicit testimony that assists the case, surrounding issues such as recantation, delay, timelines, and inconsistencies.

On May 29, 2014, in *State v. Martin Salazar-Mercado*,[2] the Arizona Supreme Court issued a new decision on the issue of Wendy Dutton and other "cold" or "blind" experts. This opinion has been hailed in the press as a victory for the State because its holding permits the use of cold experts.[3] In some ways, it is a victory for the State. The convictions were affirmed, and the Court did not hold that this testimony is always inadmissible.

However, there are several defense advantages in this opinion that will guide us in how to use it to form a proper challenge to this testimony.[4] The Court, as an issue of first impression, considered the meaning of Arizona Rule of Evidence 702(d), which states that an expert

may properly testify if "the expert has reliably applied the principles and methods to the facts of the case." Given that a blind expert, by definition, does not know the facts of the case, the defense argued that such an expert could never meet this standard. The Court sided with the State's interpretation; if principles or methods are going to be applied to the facts of the case, it must be done reliably.[5] Thus, the Court declined to hold that blind expert testimony was inadmissible as a matter of law.[6]

The defense also argued that Dr. Dutton's expert testimony did not satisfy Rule 702 (a)-(c), challenging the helpfulness and reliability of the testimony. The defense focused on the use of CSAAS (Child Sexual Abuse Accommodation Syndrome)[7] evidence and asked the Court to determine that it does not meet the standards of 702.[8] The Court held that the trial defense counsel did not set enough of a record to make that determination. The Court held that **on this record**, they could not find as a matter of law that CSAAS evidence was inadmissible.

The Court further held that the State bears the burden of establishing the admissibility of their expert's testimony under Rule 702.[9] They also reiterated that a trial court may exclude otherwise admissible evidence if the probative value of the evidence is outweighed by danger of prejudice under Rule 403.[10]

Notably, the Court also vacated the Division 2 Court of Appeals Opinion on this subject, even though it also affirmed the convictions. They did so without comment, but it is reasonable to conclude that the holdings of the lower court, which more explicitly approved of this type of evidence, were not consistent with the Supreme Court's view. Rather, the Court explicitly cautioned that it did **not** hold that CSAAS evidence or similar evidence was always admissible, and asserted that a proper record could well lead to a different result.

In doing so, the Court gave a blueprint to future trial counsel as to how to raise a proper challenge.

Ask for a 702 hearing. The trial counsel did not ask for an evidentiary hearing. Instead they filed a motion to preclude her testimony, citing little case law and no studies, testimony, or other evidence to give the Court reason to find the testimony unreliable.[11] The best way to flesh out any factual record is to ask for a real hearing to let the judge hear the evidence. In Maricopa County, in the past, the State has disputed the need for an evidentiary hearing for blind experts, arguing that Dr. Dutton is not the kind of expert contemplated under Rule 702. *Salazar-Mercado* clearly indicates that this argument is incorrect, and that upon a proper request, the State must meet their burden at an evidentiary hearing.

To save time, the judge may propose that previous familiarity with this type of testimony enables him or her to rule without an evidentiary hearing. **Do not** defer to the judge's previous experience, even if they have heard the witness many times before. There is no way for the judge to adequately place his or her own previous experience in the record. This will unreasonably restrict the ability of appeals courts to examine the record. The court of appeals can't determine whether a judge acted unreasonably based on information that they have no access to. They can only proceed on the record they have.[12]

Make the motion for the hearing in writing, and submit analysis and scholarly materials questioning this type of testimony.[13] If you find that other jurisdictions have declined to hear such testimony,[14] don't stop at citing the cases themselves. Look to the evidence they

studied[15] and see if any of it can be turned to your own advantage. Be prepared to quote material from the expert herself, by citing and documenting statements made in other cases[16] and in your own pretrial interview of the witness. Consider hiring your own expert to testify at this hearing about flaws in research, reasoning, or method.

Make a 403 challenge to the testimony as well. Point out where the testimony will be prejudicial, cumulative, and confusing to the jury.

If your court rules that the testimony is still admissible, ask for limitations on the testimony. As the Supreme Court reiterated in *Salazar-Mercado*, the expert cannot opine on the veracity or credibility of witnesses. The expert cannot address hypothetical situations aligned with the facts of the case.[17] The expert cannot use CSAAS as a diagnostic tool to claim that any particular case fits the profile of an abuse case. Such testimony invades the province of the jury.

Be alert during testimony of violations of the limitations. Be prepared to object and to make your record as to the previous rulings. This is especially important if your trial judge is not the same judge who heard the 702 hearing. Be prepared to renew your objections after the witness has testified.

Be alert in the State's closing arguments. If the court has ruled (as it should) that the witness cannot opine that the victim is credible, then do not let the prosecutor get away with arguing that the expert testimony backs up the victim. The prosecutor also cannot be permitted to make the argument that the expert has been forbidden from making, namely that the child fits some kind of profile for an abuse victim. Make the objection on every ground possible, including facts not in evidence, vouching, **and** prosecutorial misconduct.[18]

In the defense world, losses are not uncommon. But the opportunities made available by the holdings in *Salazar-Mercado* are encouraging. When the right case is presented to a court, with the correct record and objections made, it is very possible that CSAAS-style testimony will fall from favor. A form motion touching on many of the key points referenced in this article is available at this **LINK** and may be a helpful starting point for case specific motions in your matters.

(Endnotes)

1. Occasionally, the State will use these experts in adult cases where sexual misconduct or domestic violence underlies the allegation. Some aspects of the challenge will still be useful, and a 702 hearing will still be appropriate before any witness testifies about expert material

2. http://www.azcourts.gov/Portals/0/OpinionFiles/Supreme/2014/CR-13-0244-PR.

3. http://www.eastvalleytribune.com/arizona/politics/article_d014477e-e76f-11e3-887f-0019bb2963f4.html.

4. As in any case, a defense attorney must make an individual determination as to whether the expert's testimony may assist their client's defense more than it harms them. If any counsel honestly believes that the testimony is advantageous to their client's case, then it would not be appropriate to challenge the testimony for that case.

5. *Salazar-Mercado*, ¶¶ 6-11.

6. *Salazar-Mercado*, ¶ 21.

7. As first coined in Roland Summit, "The Child Sexual Abuse Accommodation Syndrome," CHILD ABUSE & NEGLECT, VOL. 7, PP. 177-193 (1983). Summit described five categories of a child's experience: 1) Secrecy; 2) Helplessness; 3) Entrapment and accommodation; 4) Delayed, conflicted and unconvincing disclosure; and 5) Retraction. The term CSAAS has been debated heavily in the literature and discredited by some for its "Syndrome" terminology, as it gives the inappropriate implication that it can be used as a diagnostic tool.

8. In the *Salazar-Mercado* case, Dutton testified, as she often does, about CSAAS issues and incorporated the language of CSAAS. This included issues of delayed disclosure, impact of a child not being believed, piecemeal disclosure, child perceptions of abuse, and methods of disclosure.

9. *Salazar-Mercado*, ¶ 13.

10. *Salazar-Mercado*, ¶ 13.

11. *Salazar-Mercado*, ¶ 17.

12. *Salazar-Mercado*, FN2..

13. An excellent beginning point would include Kamala London, et. al, "Disclosure of Child Sexual Abuse: What Does the Research Tell Us About the Ways that Children Tell?" 11 PSYCHOL. PUB. POL'Y & L. 194, 220 (2005). This is a meta-analysis of CSAAS. As a result of the analysis, London found strong empirical support for the secrecy/delay component, but not the others. For example, London concluded that recantation was actually uncommon among sexually abused children, and that the highest rates of recantation were present in studies which evaluated cases with lower rates of certainty of abuse. Additionally, London found that the general public commonly believe that delayed disclosure is common, lessening the usefulness of testimony regarding delay.Such as Steward v. State, 652 N.E.2d 490, 499 (Ind. 1995)

14. Such as *Steward v. State*, 652 N.E.2d 490, 499 (Ind. 1995).

15. Dr. Dutton's dissertation is housed at http://repository.asu.edu/attachments/56415/content/Dutton_asu_0010E_10383.pdf and might be of use in identifying areas of concern.

16. There are many transcripts available of Dr. Dutton's previous testimonies.

17. *Salazar-Mercado*, ¶20, citing *State v. Lindsey*, 149 Ariz. 472, 475, 720 P.2d 73, 76 (1986) and *State v. Moran*, 151 Ariz. 378, 382–83, 728 P.2d 248, 252–53 (1986).

18. While an objection on prosecutorial misconduct may be uncomfortable to make, it is necessary to preserve the record. Objecting on other grounds, such as relevance, burden shifting, and vouching, is not sufficient to preserve the record on a prosecutorial misconduct claim, and means that the court must find fundamental error (a much higher burden) in order to vacate a conviction based on prosecutor misconduct. See *State v. Rutledge*, 205 Ariz. 7, 13, ¶ 30, 66 P.3d 50, 56 (2003); *State v. Musgrove*, 223 Ariz. 164, 166, ¶ 4 221 P.3d 43, 45 (App. 2009); *State v. Fischer*, 219 Ariz. 408, 417, ¶ 32, 199 P.3d 663, 672 (App. 2008).

Post-Conviction Relief: A Post-*Martinez* Briefing with Robert Bartels

By: Katie Krejci, Gideon Fellow

The author was fortunate enough to spend an afternoon with Professor Bartels[1] and inquire into the lessons of *Martinez v. Ryan,* 132 S.Ct. 1309 (2012). The *Martinez* case was hand-selected by the Arizona Justice Project for Mr. Martinez' claims of ineffective assistance of trial counsel and factual innocence. Professor Bartels took the case to the United States Supreme Court and successfully argued that a claim of ineffective assistance (IAC) can be brought regarding the actions of Post-Conviction Relief (PCR) counsel[2].

So what lessons can we take from *Martinez?* In Professor Bartels' opinion, a key focus should be in-depth fact investigation[3]. Specifically, Professor Bartels recommends that PCR counsel do the following:

- Conduct an in-depth interview with the defendant, trial counsel, investigator, and the entire trial team.

- Understand that Federal Habeas Corpus is affected by what is done on a State PCR. As a result, "constitutionalize" the theory carefully and precisely.

- Review the trial court record to see if appellate counsel should have raised a claim.

- Carefully analyze the police and crime lab reports.

- Look outside the record. Talk to the jurors, family members, and witnesses; reinvestigate the case in order to know what trial counsel could have done.

- Review trial counsel's file, look for communication with the client and other evidence of, or lack of, investigation.

The ineffective assistance of counsel may seem to be an attack on individual trial counsel, but often pursuing these arguments is the only way to save a client's life or obtain his freedom after trial. If you are trial counsel on a case and you notice your own mistakes, do not be ashamed to reach out to PCR counsel. After all, our loyalty to the client is paramount. See AZ. R. Sup. Ct. 42 (Rule of Professional Conduct ER 1.7 cmt.) (2003); Model Rules of Prof'l Conduct R. 1.7 cmt. (2011).

(Endnotes)

1. Professor Robert Bartels is very familiar to many from his long and distinguished career as an exemplary professor at ASU's Sandra Day O'Conner College of Law. Professor Bartels has had an extensive and impressive career helping criminal defendants. One of his more recent accomplishments was his winning argument to the Supreme Court of the United States in *Martinez v. Ryan*, 132 S.Ct. 1309 (2012). We extend our gratitude to him for all of his contributions to the legal community and wish him well in his retirement.

2. The case has already had an impact: The new standard established by *Martinez* was recently applied to *Dickens v. Ryan*, No. 08-99017, 2014 WL 241871 (9th Cir. Jan. 23, 2014) (en banc). The Court issued its ruling in *Dickens* on January 23, 2014. Before the mandate issued, however, Gregory Dickens died, and the respondents moved to vacate the decision. The en banc panel denied that motion on March 11, 2014.

3. As of 2012, in five of seven cases where the Supreme Court found ineffective assistance of counsel it was due to deficient fact investigation. See *Sears v. Upton*, 130 S.Ct 3259 (2010); Porter v. McCollum, 558 U.S. 30 (2009); *Wiggins v. Smith*, 539 U.S. 510 (2003); *Rompilla v. Beard*, 545 U.S. 374 (2005); *Williams v. Taylor*, 529 U.S. 362 (2000).

Twelfth Annual APDA Conference

By Jim Haas, Maricopa County Public Defender

Alan Hock &Dan Lowrance

Gary Kula, Main APDA Organizer

Michelle Page

The Twelfth Annual Arizona Public Defender Association Statewide Conference was held June 25 - 27 at the Tempe Mission Palms Hotel.

Registration for the conference topped 1,400 this year. With all of the faculty and volunteers, we estimate that about 1,600 people attended the three day conference.

At the awards luncheon, indigent representation staff and attorneys from around the state were recognized for their accomplishments and dedication to our profession and our clients. The honorees were:

- Rural Administrative Professional - Laree Price, Office Manager, Navajo County PD
- Urban Administrative Professional - Dominic Lancaster, Administrative Specialist, Pima County; Miroslava Martinez, Management Assistant, Tucson PD
- Rural Paraprofessional - Erika Luera, Mitigation Services, Yuma County LD
- Urban Paraprofessional - Donna Magoch, Paralegal, Pima County PD
- Rural Performance/Contribution - Cecelia Sloan, Senior Tribal Court Advocate, Navajo Nation PD

- Urban Performance/Contribution - Susie Graham, Management Analyst, Maricopa County PD; *Pamela Phillips* trial team (Paul Eckerstrom, Alicia Cata, David Bjorgaard, Kristine Rabago, Gene Reedy, Peter Herberg), Pima County LD

- Rising Star - Andreas Coumides, Mohave County LD; Jared Keenan, Yavapai County PD; Omer Gurion, Maricopa County PD; Jeffrey Heinrick, Pinal County PD; Nicey Moseley, Maricopa County PA

- Rural Attorney - Aaron Demke, Mohave County LA; Brian Bohan, Pinal County PD

- Urban Attorney - Mikel Steinfeld, Maricopa County PD; Kevin Burke, Pima County PD

- Special Recognition - Susan McLean, Office Manager, Coconino County PD

- Robert J. Hooker - Stephen Barnard

The Thirteenth Annual APDA Statewide Conference is scheduled for June 17 – 19, 2015. Mark your calendars!

Mikel Steinfeld, Susie Graham, Omer Gurion, & Jim Haas

Writer's Corner

Lesson #158:

Whether *whether* causes problems for legal writers.

Yes, it does -- in four ways: (1) in issue statements, (2) in the common misusage of *if* for *whether*, (3) in needless instances of *whether or not*, and (4) in the proper phrasing of an appositive (*question whether* vs. *question of whether* vs. *question as to whether*).

Issue statements

Law students have traditionally learned to start the questions presented in a brief with the word *whether*, thereby stating what should be a direct question as an indirect question in the form of a sentence fragment. But that's the least of the problems. The *whether*-question is invariably either highly abstract and therefore incomprehensible or else factually convoluted and therefore incomprehensible.

One cornerstone of LawProse teaching over the years has been to combat the ills of badly phrased issue statements, beginning with the banishment of *whether*. The preferable format is the syllogistic deep issue (statement-statement-question), which you can read about in great detail in *The Winning Brief* (watch next month for the greatly expanded third edition), *Garner on Language and Writing* (pp. 120-48), or *The Elements of Legal Style* (pp. 183-87).

Whether* vs. *if

Stylists distinguish between these terms. *Whether* introduces an alternative or possibility {economic conditions will determine *whether* we have to move}. *If* states a condition {we'll need some incentive pay *if* we have to move}. Avoid misusing *if* for *whether* in stating alternatives or possibilities.

Whether* vs. *whether or not

Whether does not usually need *or not* because that sense is included in the word {the issue is *whether* the offer was accepted on time}. Include the *or not* only when the phrase means "regardless of whether" {the court will hear the motion on Tuesday *whether or not* the defendant is present}.

Some people are so addicted to *or not* that they use it unnecessarily and then actually repeat it {we need to decide *whether or not* we are going to meet *or not* [drop both *or not* phrases]}.

Question whether

Over the years, reputable usage authorities have recommended the phrasing *question whether* {this point raises the *question whether* equitable estoppel is really any different from promissory estoppel}. The phrase represents what grammarians call an appositive (a noun or noun phrase set beside another noun or noun phrase in a synonymous or identifying way). Hence it's considered mildly sloppy to write *question of whether* and downright rubbishy to write *question as to whether*.

All of which answers the question whether *whether* has any rightful place in legal writing: it does -- just not in issue statements.

Editors' Note: Bryan A. Garner is a best selling legal author with more than a dozen titles to his credit, including A Dictionary of Modern Legal Usage, The Winning Brief, A Dictionary of Modern American Usage, and Legal Writing in Plain English. The selection above is an excerpt from Garner's "Usage Tip of the Day" e-mail service and is reprinted with his permission. You can sign up for Garner's free Usage Tip of the Day and read archived tips at http://www.lawprose.org/blog/. Garner's Modern American Usage can be purchased at bookstores or by calling the Oxford University Press at: 800-451-7556.

Further reading:

- *Garner's Dictionary of Legal Usage* 420, 941-42 (3d ed. 2011).
- *Garner's Modern American Usage* 436, 857-58 3d ed. 2009).
- *The Redbook: A Manual on Legal Style* § 12.3, at 317 (3d ed. 2013).
- *The Chicago Manual of Style* § 5.220, at 284, 299 (16th ed. 2010).
- *The Elements of Legal Style* 183-87 (2d ed. 2002). *Garner on Language and Writing* 120-48 (2009).

Jury and Bench Trial Results
April 2014 - June 2014

Public Defender's Office – Trial Division

Closed Date*	Attorney *Investigator* *Paralegal* *Mitigation*	Judge	Case Number and Charge(s)	Counts	Result
Group 1					
6/5/2014	**Saldivar**	Gass	CR 2013-102204 Marijuana Violation, F6	 1	Court Trial - Guilty Lesser/Fewer
5/8/2014	**Walker** *Rankin* *Christiansen* *Wright*	Gass	CR 2013-106412 Aggravated Assault, F3 Criminal Trespass 3rd Deg, M3	 2 1	Jury Trial - Guilty Lesser/Fewer
4/30/2014	**Turner** *Hales* *Christiansen*	Mulleneaux	CR 2012-137908 Misconduct Involving Weapons, F4	 1	Jury Trial - Guilty As Charged
4/24/2014	**Walters** *Rankin*	Chavez	CR 2013-115104 Burglary 3rd Degree, F4 Burglary Tools Possession, F6	 1 1	Jury Trial - Guilty As Charged
Group 2					
6/17/2014	**Jones** *Hales* *Avalos*	Kaiser	CR 2013-002131 Theft, F3 Forgery, F4	 1 1	Jury Trial - Guilty Lesser/Fewer
6/11/2014	**Vandergaw** *Hales* *Avalos* *Menendez*	Garcia	CR 2013-105422 Armed Robbery, F2 Aggravated Assault, F3 Misconduct Involving Weapons, F4	 1 1 1	Jury Trial - Guilty As Charged
6/3/2014	**Cole** *Munoz* *Roberts* *Menendez*	Bailey	CR 2013-419627 Aggravated Assault, F3	 2	Jury Trial - Guilty As Charged
5/7/2014	**Jones**	Garcia	CR 2013-434126 Theft-Means Of Transportation, F3	 1	Jury Trial - Guilty As Charged
5/1/2014	**Vandergaw** *Schyvynck*	Kiley	CR 2013-440119 Aggravated Criminal Damage, F6 Criminal Trespass 2nd Deg, M2 Threat-Intimidate, M1	 1 1 1	Jury Trial - Guilty As Charged

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April 2014 - June 2014

Public Defender's Office – Trial Division

Closed Date*	Attorney *Investigator* *Paralegal* *Mitigation*	Judge	Case Number and Charge(s)	Counts	Result
4/18/2014	**Hallam** *Munoz* *Henry*	McCoy	CR 2013-422730 Theft-Means Of Transportation, F3	1	Jury Trial - Guilty As Charged
4/17/2014	**Vandergaw** *Munoz*	Brotherton	CR 2012-009543 Burglary 3rd Degree, F4	1	Jury Trial - Guilty As Charged
Group 3					
5/23/2014	**Brady**	Kaiser	CR 2013-450249 Aggravated Domestic Violence, F5	1	Jury Trial - Guilty As Charged
5/21/2014	**Brady**	Bergin	CR 2013-442945 Marijuana Violation, F6	1	Court Trial - Guilty Lesser/Fewer
5/19/2014	**Williams** *Thompson*	Vandenberg	CR 2013-433938 Resisting Arrest, F6 Assault-Intent/Reckless/Injure, M1 Promoting Prison Contraband, F2	1 1 1	Jury Trial - Guilty Lesser/Fewer
4/14/2014	**Parker** *Salvato*	Chavez	CR 2013-447252 Aggravated Assault, F3	1	Jury Trial - Not Guilty
4/7/2014	**Brady** *Salvato*	Passamonte	CR 2013-437649 Burglary 2nd Degree, F4 Burglary Tools Possession, F6 Theft, M1	1 1 1	Jury Trial - Guilty Lesser/Fewer
Group 4					
6/12/2014	**Wilson** *Verdugo*		CR 2013-453763 Marijuana-Possession/Use, F6	1	Court Trial - Guilty Lesser/Fewer
6/5/2014	**Finefrock** *Tomaiko*	Chavez	CR 2013-446765 Dangerous Drug Violation, F4 Drug Paraphernalia Violation, F6	1 1	Jury Trial - Not Guilty
5/29/2014	**Wilson** *Verdugo*	Woodburn	CR 2013-451760 Marijuana Violation, F6	1	Court Trial - Guilty Lesser/Fewer

*Defined as the date the defendant was sentenced or case was dismissed.

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Closed Date*	Attorney *Investigator* *Paralegal* *Mitigation*	Judge	Case Number and Charge(s)	Counts	Result
5/20/2014	**Finefrock** *Tomaiko*	Richter	CR 2013-003365 Criminal Damage, F4	 1	Jury Trial - Not Guilty
5/5/2014	**Wilson** *Verdugo*		CR 2013-435162 Marijuana Violation, F6	 1	Court Trial - Guilty Lesser/Fewer
5/2/2014	**Melcher** *Verdugo*	Richter	CR 2013-426358 Burglary 2nd Degree, F3 Trafficking In Stolen Property, F3	 1 1	Jury Trial - Guilty Lesser/Fewer
Group 5					
6/12/2014	**Beatty**	Mullins	CR 2014-000868 Aggravated Assault, F5 Threat-Intimidate, M1	 1 1	Court Trial - Guilty But Insane
5/9/2014	**Lachemann** *Thompson*	Richter	CR 2011-007753 Sexual Exploitation of a Minor, F2	 10	Jury Trial - Guilty As Charged
4/18/2014	**Beatty** *Romani* *Falle* *Shaw*	Mullins	CR 2013-109875 Aggravated Assault, F5	 1	Court Trial - Guilty But Insane
Group 6					
6/20/2014	**Sloman** *Sain*	Gates	CR 2013-427084 Dangerous Drug-Possession/, F4 Drug Paraphernalia-P, F6	 1 1	Jury Trial - Guilty As Charged
5/21/2014	**Chiang** *Godinez* *Springer*	Lynch	CR 2012-109993 Armed Robbery, F2 Aggravated Robbery, F3 Aggravated Assault, F3	 1 1 1	Jury Trial - Guilty As Charged
4/11/2014	**Guenther** *Sain* *Vasquez*	Ditsworth	CR 2012-146598 Sexual Conduct With a Minor, F2 Sexual Abuse, F3 Kidnap, F2 Aggravated Assault, F6	 6 1 2 1	Jury Trial - Guilty Lesser/Fewer

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Closed Date*	Attorney *Investigator* *Paralegal* *Mitigation*	Judge	Case Number and Charge(s)	Counts	Result
4/4/2014	**Sheperd** *Falle*	Ditsworth	CR 2011-145186 Hit And Run/Damage Attend Vehicle, M2 Disorderly Conduct, F6 Armed Robbery, F2 Aggravated Assault, F2 Murder 1st Degree, F2	 1 1 1 3 1	Jury Trial - Guilty Lesser/Fewer
Capital					
6/6/2014	**Tavassoli** **Clemency** *Hagler* *Resop* *Mudryj*	Steinle	CR 2009-030306 Murder 1st Degree, F1	1	Trial Phase: Guilty 1st Degree Murder; Penalty Phase: Unanimous Life Verdict
Specialty Court Group					
5/16/2014	**Hintze** *Penneman*	Mullins	CR 2013-418872 Unlawful Flight From Law Enforcement Vehicle, F5	1	Jury Trial - Guilty As Charged
Training					
4/10/2014	**Roth**	Bailey	CR 2013-419729 Marijuana Violation, F6	1	Court Trial - Guilty Lesser/Fewer
Vehicular					
6/24/2014	**Hann**	Miller	CR 2013-109475 Aggravated DUI-Third, F4	2	Jury Trial - Guilty As Charged
6/6/2014	**Brink** *Decker*	Bernstein	CR 2012-105391 Aggravated DUI-License Suspended/Revoked For DUI, F4	2	Jury Trial - Guilty As Charged
5/23/2014	**Randall** *Vondra*	Bernstein	CR 2011-142727 Aggravated DUI-Third DUI, F4	2	Jury Trial - Guilty Lesser/Fewer

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Closed Date*	Attorney *Investigator* *Paralegal* *Mitigation*	Judge	Case Number and Charge(s)	Counts	Result
4/18/2014	**Potter**	Bernstein	CR 2013-002728 Aggravated DUI-License Suspended/Revoked For DUI, F4	2	Jury Trial - Guilty As Charged
4/7/2014	**Randall**	Gentry	CR 2012-157669 Aggravated DUI-License Suspended/Revoked For DUI, F4	2	Jury Trial - Guilty Lesser/Fewer
4/4/2014	**Randall** *Jarrell* *Vondra*	Miller	CR 2013-419488 Aggravated DUI-License Suspended/Revoked For DUI, F4	2	Jury Trial - Guilty As Charged
4/1/2014	**Dehner**	Kiley	CR 2012-123493 Aggravated DUI-License Suspended/Revoked For DUI, F4	2	Jury Trial - Guilty As Charged
Justice Courts					
5/16/2014	**Callahan**	Macbeth	JC2013-455543 Influencing A Witness, M1	1	Court Trial - Not Guilty
5/5/2014	**Goodman**	Guzman, Joe	TR2014-112612 DUI-Liquor/Drugs/Vapors/Combo, M DUI W/BAC Of .08 Or Greater, M	1 1	Jury Trial - Guilty Lesser/Fewer
6/12/2014	**Goodman**	Protem Judge	TR2012-116359 DUI-Liquor/Drugs/Vapors/Combo, M DUI W/BAC Of .08 Or Greater, M	1 1	Court Trial - Guilty As Charged
San Tan Court Center					
5/9/2014	**Brown**		TR2013-447963 Reckless Driving, M2	1	Jury Trial - Guilty As Charged

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Closed Date*	Attorney *Investigator* *Paralegal* *Mitigation*	Judge	Case Number and Charge(s)	Counts	Result
4/3/2014	**Roth**	Cohen	CR 2013-000301 Narcotic Drug Violation, F4 Drug Paraphernalia Violation, F6	 1 1	Jury Trial - Not Guilty

Legal Defender's Office – Trial Division

Closed Date*	Attorney *Investigator* *Paralegal* *Mitigation*	Judge	Case Number and Charge(S)	Counts	Result
6/13/2014	**Bogart, Jeremy** *Mors* *Handgis* *Fehnel*	Kreamer	CR 2013-101774 Murder 1st Degree, F1 CR 2013-101774 Burglary 2nd Degree, F3	 1 2	Jury Trial - Guilty as Charged
6/13/2014	**Abernethy**		CR 2013-439446 Unlawful Flight From Law, F5	 1	Jury Trial - Guilty as Charged

M C P D

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